

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EMMA C. et al.,

Plaintiffs,

v.

DELAINE EASTIN, et al.,

Defendants.

NO. C 96-4179 TEH

ORDER SETTING SCHEDULE
FOR BRIEFING ON RSIP
BUDGET

In recent years, Defendants Ravenswood City School District and California Department of Education have been able to reach agreement on both the size of Ravenswood's RSIP budget and the allocation of that budget between the parties. This year, however, CDE objected strenuously to both the size of the proposed budget and to allocation of any more than 10% of the nearly \$3,000,000 budget Ravenswood requested to CDE.

At the Status Conference on May 29, 2008, the Court ordered the parties to continue to meet and confer on the budget. The Court warned that unless the parties could reach a compromise by June 9, 2008, the Court would require briefing on the principles and law it should use to set both the size of the budget and allocation of that budget between the Defendants.

The Defendants have been unable to reach agreement. Accordingly, each Defendant is hereby ORDERED to file a supplemental brief on the RSIP Budget and allocation thereof by June 23, 2008. The briefs shall address, with reference to case precedent and appropriate secondary or other authority, the following issues:

- What burden Ravenswood should meet to justify its proposed budget, including what justification it should present for continued higher staffing and lower caseloads in a number of disciplines than comparable districts;
- What items should be included (or excluded) from the budget, and why;

- How other courts have managed, overseen, and allocated budgets relating to compliance with Court-ordered relief;
- Whether the RSIP budget should be tied in some way to compliance with RSIP requirements, and if so, how;
- Any principles the Court should use in determining appropriate costs for the RSIP and allocating those costs between the Defendants.

Again, arguments should be supported by reference to persuasive authority or by reasoned expert declaration. The Court will not consider arguments not so supported.

The Court requests, but does not require, a similar brief from Plaintiffs.

Any Reply briefing shall be filed no later than June 30, 2008. The Court will set a hearing, if necessary, after considering the briefing submitted.

The Court is cognizant of the fact that this is a short briefing schedule. However, Ravenswood's fiscal year begins July 1, 2008. If the Defendants can reach agreement on an interim budget and allocation, the Court will consider extending the briefing schedule. If the Defendants are able to reach agreement in the interim, they shall immediately inform the Court.

IT IS SO ORDERED.

Dated: June 10, 2008



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT